

**Rhode Island Department of Corrections  
POLICY UNIT**

**TO:** RIDOC Employees

**VIA:** Ellen Evans Alexander, Assistant Director  
Administration

**FROM:** Ann J. Fortin, Chief/Program Development  
Administration

**DATE:** February 24, 2004

**SUBJECT:** 28.25-1 DOC; ADULT PROBATION AND PAROLE  
OFFENDER FEES; 03/29/04

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The enclosed policy repeals policy # 28.25 DOC and contains the following substantive revisions.

Item II., Policy, was revised, in part, as follows:

The Rhode Island Department of Corrections (RIDOC) assesses and collects fees from offenders who:...

- A. are placed under the supervision of Probation pursuant to adjudication ~~conviction~~ in the District and Superior Courts of Rhode Island, or ...
- D. apply to other states for courtesy supervision under the Interstate Compact for Adult Offender Supervision.

(Underscore = new text; ~~strikethrough~~ = deleted text)

References to "Probation and Parole Counselors" were replaced with "Probation and Parole Officers".

**The Interstate Transfer Application Processing Fee was subject to public hearing on November 20, 2003.**

Item III.B., Interstate Transfer Application Processing Fee Assessment, (new) reads as follows:

1. An interstate transfer application processing fee is assessed and collected from any offender who:

- a. resides in Rhode Island, is currently supervised on probation or parole in Rhode Island, and wishes to transfer to another state; or
  - b. resides in a state other than Rhode Island, is newly placed on probation or parole in Rhode Island, and wishes to be supervised in his/her "home" state.
2. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the full interstate transfer application processing fee.

Item III.C.3., Interstate Transfer Application Processing Fees, (new) specifies:

Payment, in the form of a check or money order made payable to and delivered by mail to the collection agency, must be made prior to an interstate application's being fully processed.

Item III.D.1. was revised to specify:

The contracted collection agency provides regular notification to RIDOC's Financial Resources Unit regarding fees collected.

Item III.D.3.b. was revised as follows:

Adult Probation and Parole staff shall notify the collection agency if a waiver of fees is granted after an offender has been registered with the collection agency for the offender supervision or interstate transfer application processing fee. (Underscore = new text)

Item III.E.2., Interstate Transfer Application Processing Fees, (new) reads as follows:

In the event an offender does not pay the application processing fee, his/her application for interstate supervision will not be processed, and s/he will not be approved for transfer to another state.

Item III.F.3. (new) states:

Supervisory consultation and approval are also required for any waiver of an interstate transfer application processing fee.

Item III.F.4.j. specifies:

Waiver criteria to be considered include evidence of one or more of the following situations, along with evidence of undue hardship caused by payment of offender fees:...

- j. Offender/offender's family is experiencing other extenuating circumstances which affect ability to pay ~~eligibility for offender supervision fees, as determined by Adult Probation and Parole staff.~~ (Underscore = new text; ~~strikethrough~~ = deleted text)

The "Interstate Transfer Application Processing Fee Exception Report" (new) is included as page 2 of Attachment 2.

**Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.**

**Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff are adequately trained in the contents of this policy.**

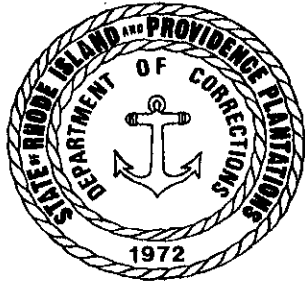
**This policy IS approved for inmate/public access.**

/kjl

Enclosure

# RHODE ISLAND DEPARTMENT OF CORRECTIONS

## POLICY AND PROCEDURE



**POLICY NUMBER:**  
28.25-1 DOC

**EFFECTIVE DATE:**  
03/29/04

**PAGE 1 OF 7**

**REPEALS:**  
28.25 DOC

**DIRECTOR:**

Please use BLUE ink.

*Robert T. Walcott*

**SECTION:**  
PROBATION AND PAROLE FIELD  
SERVICES

**SUBJECT:**  
ADULT PROBATION AND PAROLE  
OFFENDER FEES

**AUTHORITY:** Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-38, Assessment of costs; § 13-9.1-1.3, The interstate compact for adult offender supervision

**REFERENCES:**

**INMATE / PUBLIC ACCESS?** X YES

**AVAILABLE IN SPANISH?** X NO

**I. PURPOSE:**

To describe procedures for assessing, collecting, and/or waiving Adult Probation and Parole offender fees.

**II. POLICY:**

The Rhode Island Department of Corrections (RIDOC) assesses and collects fees from offenders who:

- A. are placed under the supervision of Probation pursuant to adjudication in the District and Superior Courts of Rhode Island; or
- B. are paroled by the Rhode Island Parole Board; or

Public Notice: 10-12-2003

Public Hearing: 11-20-2003

INTERSTATE TRANSFER APPLICATION  
PROCESSING FEE ONLY.

- C. are accepted for courtesy supervision in Rhode Island under the Interstate Compact for Adult Offender Supervision; or
- D. apply to other states for courtesy supervision under the Interstate Compact for Adult Offender Supervision.

### III. PROCEDURES:

#### A. Supervision Fee Assessment

##### 1. Offenders Adjudicated in Rhode Island

- a. Upon intake of an adjudicated offender placed under probation or parole supervision, the offender is informed of the offender supervision fee (\$15.00 per month) and the method of payment (see Attachment 1, Adult Probation and Parole Notice: Probation and Parole Offender Fees).
- b. The offender supervision fee is charged throughout the period of supervised probation or parole. Offenders are liable for payment of the fifteen dollar (\$15.00) offender supervision fee for each calendar month or portion of a calendar month during which they are under the jurisdiction of Adult Probation and Parole; except that offenders shall not be charged the supervision fee if/when Adult Probation and Parole formally suspends supervision (i.e., banks or closes a case) for any period of time exceeding one (1) month.
- c. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the full monthly fee. Potential causes for waiver must be in accordance with established criteria in Section III.F.

##### 2. Interstate Probation and Parole Offenders

- a. Upon receipt of an interstate request for acceptance of supervision, the Interstate Compact Office forwards the case to a Probation or Parole Officer for investigation.
- b. The investigating Probation or Parole Officer informs the offender of the offender supervision fee (\$15.00 per month) and the method of

payment (see Attachment 1, Adult Probation and Parole Notice: Probation and Parole Offender Fees).

- c. The offender supervision fee is charged throughout the period of courtesy interstate supervision, becoming effective immediately upon acceptance of supervision. Offenders are liable for payment of the fifteen dollar (\$15.00) offender supervision fee for each calendar month or portion of a calendar month during which they are under the jurisdiction of Adult Probation and Parole; except that offenders shall not be charged the supervision fee if/when Adult Probation and Parole formally suspends supervision (i.e., banks or closes a case) for any period of time exceeding one (1) month.
- d. The Interstate Compact Office notifies the sending state when a referred case is accepted and forwards the case to the area office for assignment to a supervising Probation or Parole Officer.

B. Interstate Transfer Application Processing Fee Assessment

1. An interstate transfer application processing fee is assessed and collected from any offender who:
  - a. resides in Rhode Island, is currently supervised on probation or parole in Rhode Island, and wishes to transfer to another state; or
  - b. resides in a state other than Rhode Island, is newly placed on probation or parole in Rhode Island, and wishes to be supervised in his/her "home" state.
2. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the full interstate transfer application processing fee.

C. Payment of Fees

1. The central Adult Probation and Parole office informs the authorized collection agency (as determined through established State contract procedures) of the names, dates of birth, mailing addresses, and other objective data about offenders subject to offender fees to enable the agency to contact them for payment.

- a. Information is shared by computer, telephone, and/or in writing, in accordance with methods agreed upon by the State and the agency.
- b. Confidential information about offenders (including the nature of their charges) is not shared.

2. Supervision Fees

Participating offenders periodically receive a written account statement from the contracted collection agency, and offenders pay fees directly to the collection agency. Payment must be in the form of a check or money order made payable to and delivered by mail to the collection agency.

3. Interstate Transfer Application Processing Fees

Payment, in the form of a check or money order made payable to and delivered by mail to the collection agency, must be made prior to an interstate application's being fully processed.

4. The collection agency is responsible for collecting, recording, and reporting and forwarding all offender fee payments to the State of Rhode Island, in accordance with terms established as part of the contract process.

D. Reporting Responsibilities

1. The contracted collection agency provides regular notification to RIDOC's Financial Resources Unit regarding fees collected.
2. The contracted collection agency makes direct bank deposits to a State account on a regular basis, as provided in the contract between the State of Rhode Island and the agency.
3. It is the responsibility of Adult Probation and Parole staff to notify participating offenders and the collection agency of changes in offender status or supervision responsibility that affect the agency's billing of offenders for the supervision fee (Attachment 2).
  - a. Adult Probation and Parole staff shall notify the collection agency if a previously waived offender becomes liable for the offender supervision fee, when supervision of a banked or otherwise unsupervised case is resumed.

- b. Adult Probation and Parole staff shall notify the collection agency if a waiver of fees is granted after an offender has been registered with the collection agency for the offender supervision or interstate transfer application processing fee.
  - c. The receiving office of Adult Probation and Parole shall notify the collection agency of transfers in case supervision responsibility from one Probation and Parole Officer to another.
4. It is the offender's responsibility to notify both Adult Probation and Parole and the collection agency of any change of address.

E. Non-Compliance

1. Supervision Fees

- a. In the event an offender does not maintain the schedule of payments, and has not been granted a waiver, Adult Probation and Parole staff reinforce with the offender the importance of making regular payments. The offender is reminded as necessary of the lawful obligation to pay all assessed fees, and is made aware that the collection agency can pursue payment owed through civil remedies, even beyond the term of probation or parole.

- b. Offenders Adjudicated in Rhode Island

The probation or parole of offenders adjudicated in Rhode Island shall not be violated for non-payment of offender fees.

- c. Interstate Probation and Parole Offenders

Should interstate offenders continue in failing to make payments, the following graduated sanctions are available:

- (1) The Interstate Office is notified by the Probation or Parole Officer of an offender's failure to comply with fee payment. The Interstate Office informs the sending state and requests the offender be ordered to comply.
- (2) Upon further non-compliance, the Interstate Office may inform the sending state that we are no longer able to provide



courtesy supervision; may request a warrant be issued; and may return the case to the sending state's jurisdiction. Community safety considerations shall enter into any decision to terminate supervision of an offender who remains in Rhode Island.

2. Interstate Transfer Application Processing Fees

In the event an offender does not pay the application processing fee, his/her application for interstate supervision will not be processed, and s/he will not be approved for transfer to another state.

F. Offender Fee Waiver Criteria

1. There is a presumption that supervised offenders have the ability and obligation to pay assessed fees in full unless and until the offender demonstrates otherwise to Adult Probation and Parole staff. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay any fee assessed under this procedure.
2. Supervisory consultation and approval are required for any grant of permanent or temporary waiver of the monthly assessment (see Attachment 3, Adult Probation and Parole Waiver – Fee Assessment form). Temporary waivers are to be reviewed by the Probation and Parole Officer and/or Supervisor bi-monthly, or at intervals appropriate to the situation.
3. Supervisory consultation and approval are also required for any waiver of an interstate transfer application processing fee.
4. Waiver criteria to be considered include evidence of one or more of the following situations, along with evidence of undue hardship caused by payment of offender fees:
  - a. Offender is recovering from an accident or significant illness, and has insufficient financial resources.
  - b. Offender is unemployed and actively seeking work, or is receiving state income assistance.

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- c. Offender has a physical or mental disability which precludes earning sufficient income.
  - d. Offender/offender's family is experiencing temporary financial difficulty or crisis due to extraordinary circumstances.
  - e. Offender's financial support of dependents could be jeopardized by payment of offender fees.
  - f. Offender is a full-time student in an academic or vocational training program, and has insufficient financial resources.
  - g. Offender is retired and on limited fixed income.
  - h. Offender is actively participating in an inpatient treatment program.
  - i. Offender is incarcerated awaiting trial.
  - j. Offender/offender's family is experiencing other extenuating circumstances which affect ability to pay.

**RHODE ISLAND DEPARTMENT OF CORRECTIONS**

**ADULT PROBATION AND PAROLE**

**NOTICE**

**PROBATION AND PAROLE OFFENDER FEES**

**Supervision Fee**

As of July 1, 1994, all individuals who are being supervised in Rhode Island on Probation or on Parole are required to pay a supervision fee. The fee of \$15.00 per month must be paid for each month of supervised Probation or Parole.

All fees will be collected by a private company which is under contract with the State of Rhode Island for this purpose. Checks or money orders should be made payable and sent to the collection agency. A monthly bill will be sent to each offender with a return envelope in which to mail payment.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your Probation or Parole has terminated.

Individuals being supervised on Probation or Parole are legally obligated to pay these fees, which have been instituted under the authority of Rhode Island General Laws section 42-56-10(22), Powers of the Director, and section 42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on May 4, 1994.

You will be held responsible for payment of the full \$15.00 for every month of supervision unless and until you demonstrate to your Probation or Parole Officer that you are temporarily or permanently unable to pay. You must apply to your Probation or Parole Officer for any waiver of the fee.


**Interstate Transfer Application Fee**

As of this policy's effective date, all individuals who wish to apply for an interstate transfer are required to pay a fee of \$40.00.

Public Notice: 10/12/2003

Public Hearing: 11/20/2003

(INTERSTATE TRANSFER APPLICATION PROCESSING FEE) 71

 FEB 24 2004  
RI SECRETARY OF STATE  
ADMINISTRATIVE SERVICES

Payment, in the form of a check or money order made payable to and delivered by mail to the collection agency, must be made prior to an interstate application's being fully processed. In the event an offender does not pay the application processing fee, his/her application for interstate supervision will not be processed, and s/he will not be approved for transfer to another state.

Offenders who reside in Rhode Island, are currently supervised on probation or parole in Rhode Island, and wish to transfer to another state; and/or offenders who reside in states other than Rhode Island, are newly placed on probation or parole in Rhode Island, and wish to be supervised in their "home" states may apply for interstate transfers.

This fee has been instituted under the authority of Rhode Island General Laws section 42-56-10(22), Powers of the Director, and section 13-9.1-1.3, The Interstate Compact for Adult Offender Supervision. You must apply to your Probation or Parole Officer for any waiver of the fee.

All fees are deposited to the State of Rhode Island General Treasury, in accordance with law.

*Arthur T. Welch II*

Public Notice: 12/12/2003

Public Hearing: 11/20/2003

(INTERSTATE TRANSFER APPLICATION  
PROCESSING FEE)

RECEIVED

FEB 14 2004

PROBATION DEPARTMENT  
ADULT SUPERVISION DIVISION

**RHODE ISLAND DEPARTMENT OF CORRECTIONS**

**ADULT PROBATION AND PAROLE  
OFFENDER FEE EXCEPTION REPORT**

*Complete all information indicated for each category.*

**ADD / RE-ADD to billing list:** (Waiver or non-supervised status no longer applicable.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #	EFFECTIVE DATE
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**RETROACTIVE WAIVERS:** (To be removed from billing list for any reason, effective prior to current month.) [List as many names as will fit legibly.]

NAME (LAST, FIRST)	DOB	EFFECTIVE DATE
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**TRANSFERS:** (Receiving office must complete.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #
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Submitted by:

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Probation & Parole Staff

Date

**RHODE ISLAND DEPARTMENT OF CORRECTIONS**

**ADULT PROBATION AND PAROLE  
INTERSTATE TRANSFER APPLICATION PROCESSING FEE  
EXCEPTION REPORT**

*Complete all information indicated for each category.*

**ADD / RE-ADD to billing list:** (Waiver or non-supervised status no longer applicable.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #	EFFECTIVE DATE
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**RETROACTIVE WAIVERS:** (To be removed from billing list for any reason, effective prior to current month.) [List as many names as will fit legibly.]

NAME (LAST, FIRST)	DOB	EFFECTIVE DATE
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**TRANSFERS:** (Receiving office must complete.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #
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Submitted by:

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Probation & Parole Staff

Date

**RHODE ISLAND DEPARTMENT OF CORRECTIONS**

**ADULT PROBATION AND PAROLE**

**Waiver - Fee Assessment**

Date: \_\_\_\_\_

Offender's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Waived due to financial hardship based on:

☐ Unemployed ☐ Full Time Student ☐ Welfare/SSI

☐ Paying for Counseling/Restitution/Court Costs

☐ Non-report Status ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ TEMPORARY (To be reviewed bi-monthly)

☐ PERMANENT ☐ RETRO TO: \_\_\_\_\_

\_\_\_\_\_  
Probation/Parole Staff

\_\_\_\_\_  
Caseload #

\_\_\_\_\_  
Supervisor